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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/781,129

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Lance T. Hampel

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EXAMINER

BARTOSIK, ANTHONY N

ART UNIT

PAPER NUMBER

3609

MAIL DATE

DELIVERY MODE

05/02/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/781,129	Applicant(s) HAMPEL, LANCE T.	
	Examiner Anthony N. Bartosik	Art Unit 3609	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Specification

1. The disclosure is objected to because of the following informalities: page 9 line 1 of "the deck 12, i.e., to a". For the purposes of this examination, the examiner presumes that "the deck 12" as currently stated, should read, "base 12."

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter, which the applicant regards as his invention.

3. Claims 14 and 19 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
4. Claim 14 does not further limit claim 13 from which it depends. Claim 14 appears to be more properly dependent from claim 12.
5. Regarding claim 19, the phrase "may be" renders the claim indefinite because it is unclear whether the limitations following the phrase are part of the claimed invention. See MPEP § 2173.05(d).

Claim Rejections - 35 USC § 102

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6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this

Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. Claims 1, 2, 3, 8, & 12 are rejected under 35 U.S.C. 102(b) as being anticipated by Tagg (US 5,560,050).

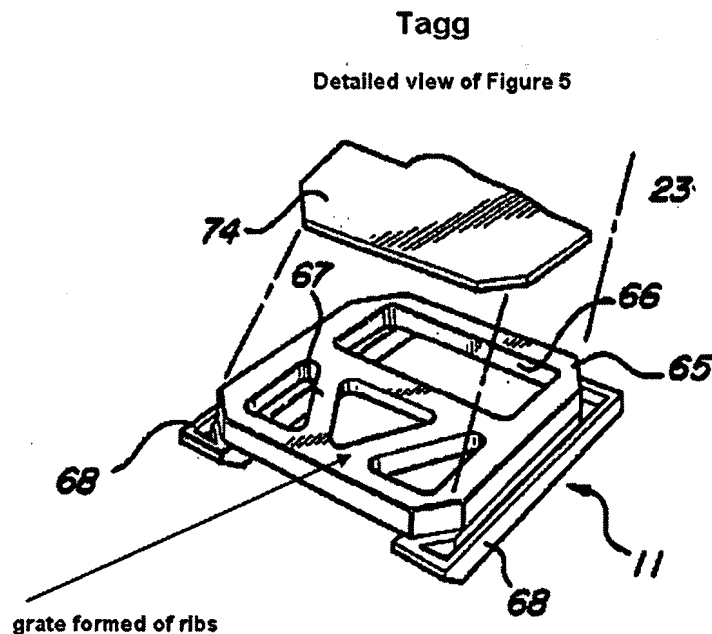
8. In Re claim 1 with reference to Figure 15, Column 6 Lines 17-33, Tagg discloses:

- In a skid base (11) for a resin building, the skid base having a deck (65) with top and bottom sides, and front, rear, right, left and sides between the top and bottom sides,
- the skid base (11) being adapted to mount walls of a building structure (24) that extend above and enclose the top side of the deck (65),
- and the skid base (11) having at least two runners (68) that are generally parallel and spaced apart and extend beneath the deck (65),
- each runner (68) having a bottom side to support the deck above a support surface,
- the improvement wherein the runners (68) and the deck (65) are molded in one piece so as to be integral with one another, and wherein the runners (68) and deck (65) have openings in their bottom sides that open downwardly (69, 69a).

9. In Re claim 2 with reference to Figure 15, Column 6 Lines 17-33, Tagg discloses side walls that enclose the sides of the runners and extend from a top of each runner to the bottom side of the runner.

10. In Re claim 3 with reference to Figure 15, Column 6 Lines 26-33, Tagg discloses a wear plate (70) that is fastened to the skid base. See Figure 15 above.

11. In Re claim 8 with reference to Figure 5, Tagg discloses at least part of the top side of the deck that defines a floor that is a grate formed of ribs (67) that are integrally molded with the runners.

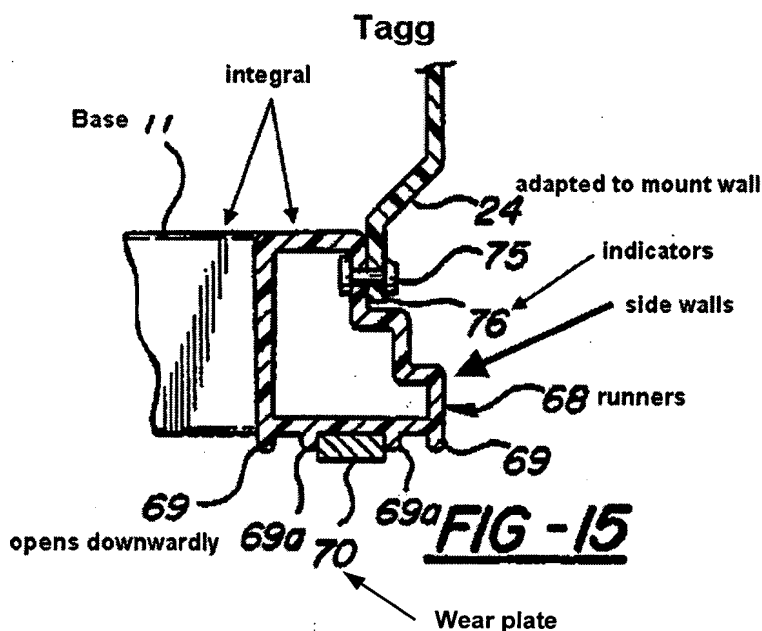


12. In Re claim 19 with reference to Figure 5 (see above), as discussed above Tagg discloses the limitations of claims 1 and 8 from which claim 19 depends.

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Additionally, Tagg discloses a solid sheet (74) that may be placed over the topside of the grid (67) of the floor.

13. In Re claim 12, with reference to Figure 15, Tagg discloses indicators (76) that are molded into the skid base along sides of the base to indicate where threaded fasteners may be inserted into the sides of the base to fasten wall panels to the base.



Claim Rejections - 35 USC § 103

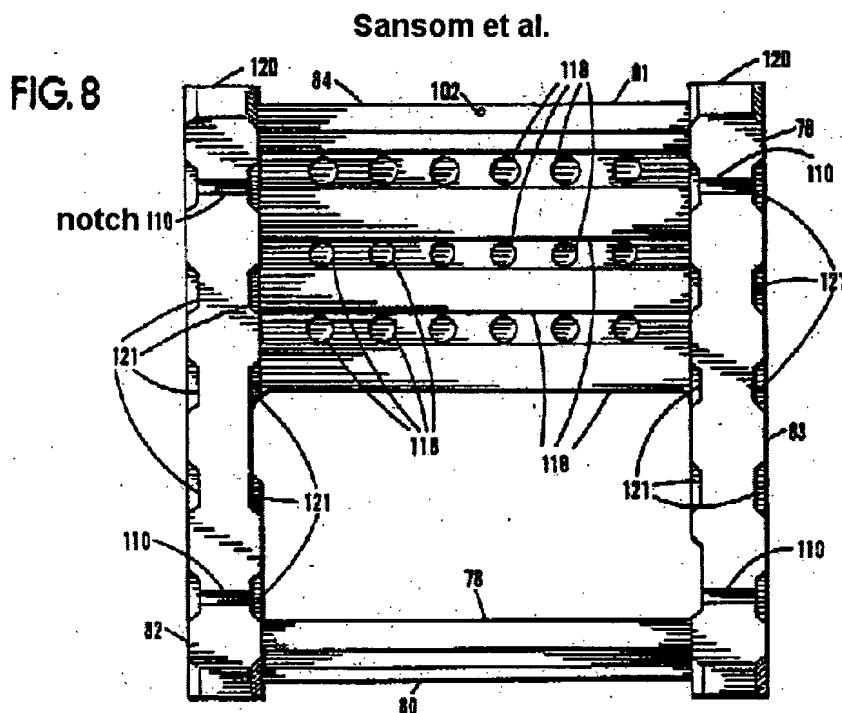
14. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which

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said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

15. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Tagg (US 5,560,050) in view of Sansom et al. (US 5,251,342). Tagg has been discussed above and teaches all limitations of claims 1, 2, and 3 from which claim 4 depends. Tagg does not disclose a notch that can be used to catch on the edge of a truck to keep the base from slipping while loading and unloading the truck. Sansom does, however, teach a notch (110). Figure 8, Column 5 Lines 55-63 of Sansom et al. teaches the use of a notch to mount an axel to facilitate movement of the base.



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Thus, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to have modified the base of Tagg with a notch in the base as taught by Sansom et al. in order to facilitate movement of the base.

16. In Re claim 5 and 6 with reference to Figure 15, Column 6 Lines 22-33, Tagg, as previously discussed teaches the limitations of claims 1 and 3 from which claim 5 and 6 depend and furthermore teaches the limitations of claims 5 and 6.

25 opening 66 and forward supports or struts 67. Integral skids or skid portions 68 are formed on the sides and lower surface of the base or pallet. These skids may have their lower surfaces provided with a series of beads or ribs 69 and 69a (see FIG. 15). Between the beads 69a, a plastic skid strip insert 70 may be positioned and fastened in place with suitable screws (not shown) so that the cabana unit may be
30 on the bottoms of the pallets of such cabanas is taken by the inserts and, in the event of undue wear or damage, the worn inserts 70 may be removed and replaced with new inserts.

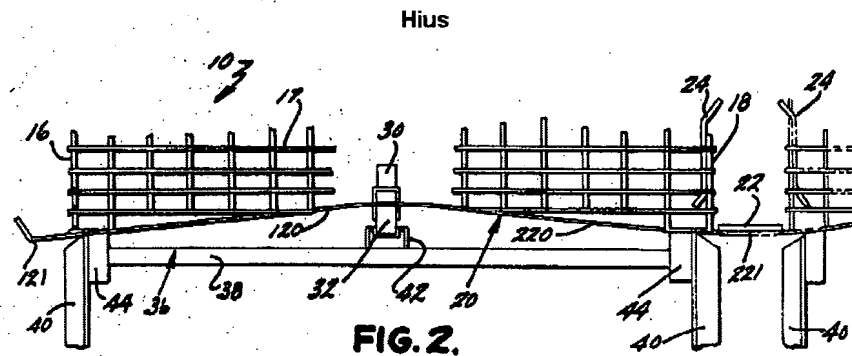
The limitations of claim 5 and 6 are obvious in view of the specification of Tagg (see above figure). Tagg teaches mounting a wear plate beneath a runner by attaching the wear plate using a fastener. Based on Figure 15 of Tagg, the manner in which the fasteners were mounted would be up from the bottom, through the wear plate and then into the runner. It is common knowledge in the art that in order for the fasteners to be removable, they must be mounted in a recessed fashion so as to not be damaged by sliding the base/runner along a surface. It is also common knowledge in the art that a suitable recess can be accomplished by either recessing each fastener individually or by making a channel for all the fasteners to be placed in. In Re to claim 5, it would have been

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obvious to modify the wear plate of Tagg to include a downwardly opening channel that runs substantially the length of the wear plate in order to fasten the wear plate to the base. Furthermore, regarding claim 6, it also would have been obvious based on Tagg to include fasteners for fastening the wear plate to the runner that have heads which are in the channel.

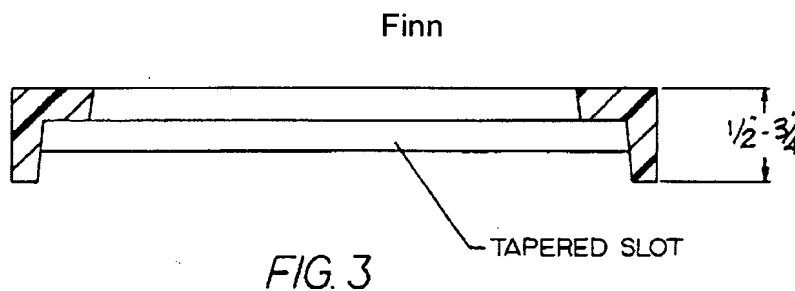
17. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Tagg (US 5,560,050) in view of Sargent et al. (US 4,305,164) and Cusimano (US 5,873,679). Tagg has been discussed above and discloses all limitations of claim 1 from which claim 7 depends. Tagg lacks a stake down slot of an elongated shape, each slot being diagonal so that a stake may be driven through the slot at an angle toward the center of the skid base beneath the skid base at each corner of the base. Figure 1 of Sargent et al. teaches the use of a stake on a runner to firmly secure the portable toilet to the earth. Figure 3 and Column 6 Lines 15-26, of Cusimano teach the use of an elongated guide for driving the stake (54) at a diagonal toward the center of the base. Thus, it would have been obvious to one of ordinary skill art to modify the base in Tagg to include the stake of Sargent et al. or a stake as taught by Sargent et al. with the diagonal elongated guide of Cusimano.

18. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Tagg (US 5,560,050) in view of Huis et al. (US 3,581,709). Tagg as discussed above discloses a grate floor, but lacks a crown. Figure 2, Column 2 Lines 13-23 of Huis teach a crowned grate floor (20) to direct material away from the center.



Thus, it would have been obvious to one skilled in the art at the time the invention was made to modify the grate floor of Tagg to include a crown in the center of the floor to direct material away from the center of the floor as taught by Huis et al.

19. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Tagg (US 5,560,050) in view of Huis et al. (US 3,581,709) and Finn (US 5,758,462). Tagg in view of Huis has disclosed the claimed invention except; openings in the grate are tapered such that they are larger at the bottom than at the top. Figure 3 and Column 2 Lines 22-26; of Finn teach the use of openings in the grate that are tapered such that they are larger at the bottom than at the top to allow the grate to be self cleaning.

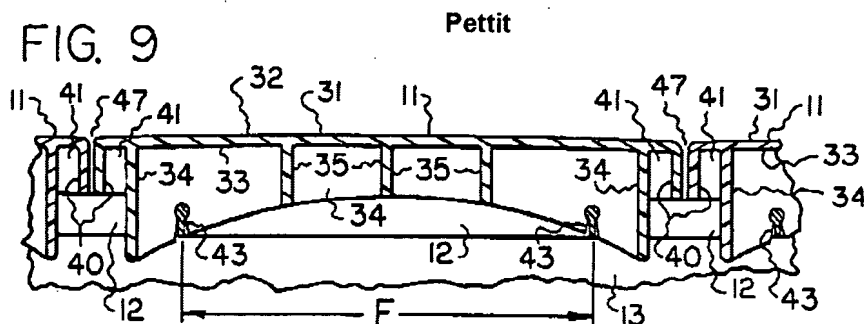


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in overall length, $6\frac{1}{4}$ inches wide and $\frac{1}{4}$ inch thick. Each grate is provided with interlocking tab portions 18. The design of the air slots insure that compost entering the slot does not plug the opening but falls through the grate openings into the trench below providing a self cleaning unit. The unit, in the application described, has a load

Therefore, it would have been obvious to one skilled in the art to modify the base with grates of Tagg and Huis with the tapered grate taught by Finn to allow for an efficient grate that is self cleaning.

20. Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Tagg (US 5,560,050) in view of Pettit (US 6,619,002). Tagg has disclosed the claimed invention with the exception of ribs of the grate being a greater height at the perimeter of the floor. Figure 9 and Column 3 Lines 36-50, of Pettit teach the use of a deck (11) that uses integrally molded ribs (35) that are of a greater height at the perimeter of the floor than at the center. This configuration enhances the overall rigidity of the structure.



Based on the teachings in the references, it would have been obvious to one skilled in the art to modify the ribs of Tagg with the ribs of Pettit with the intention of obtaining a more rigid structure.

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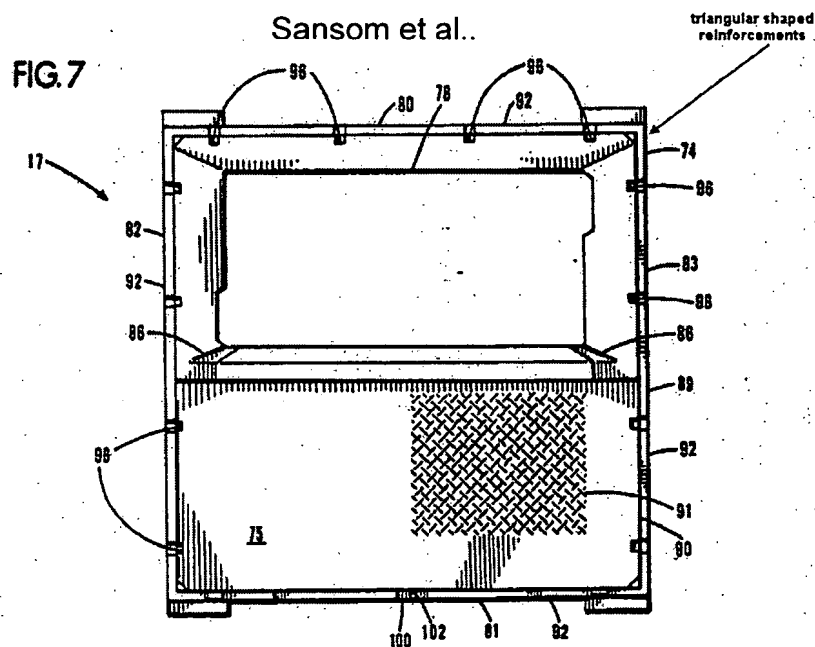
21. Re claim 13 Tagg as modified by Pettit discloses a skid base as discussed above, however, Tagg does not show thicker material at the location of indicators. It would have been an obvious matter of design choice to modify the Tagg reference by having the base thicker at the location of the indicator (76), since applicant has not disclosed that having the side walls of a thicker material solves any stated problem or delivers unexpected results and it appears that the side walls would perform equally well with an appropriate thickness.

22. Claim 14, which depends from claim 13, is rejected under 35 U.S.C. 103(a) as being unpatentable over Tagg. Tagg as discussed above (see Figure 15 from above) has disclosed the claimed invention but does not expressly show bosses molded into the runners. Although the bosses are not expressly shown, Tagg does teach mounting the wear plate (70) to the bottom of the runner (68) by way of fasteners. The result of mounting the wear plate (70) as described in paragraph 16 from above, would create bosses between the location of the holes where the fasteners enter and attach to the runners (68). Thus, Tagg teaches having at location of the indicators (76), bosses that are molded into the runners (68). Favorable consideration would be given if applicant were to amend the claim, and replace the term "at" with "adjacent."

23. Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Tagg (US 5,560,050) in view of Sansom et al. (US 5,251,342). Tagg has been discussed above and discloses all limitations of claim 1 from which 15 depends. Tagg does not disclose an opening, which has edges that are slanted downwardly and inwardly to conform to the bottom of the tank. Figure 1 and

Column 5 Lines 7-21, of Sansom et al. teach the opening for the tank having edges that are slanted downwardly and inwardly to conform to the bottom of the tank. It would have been obvious to one skilled in the art to modify the opening in the base of Tagg to include an opening where the edges of the opening slanted inwardly to conform to the bottom of the tank as taught by Sansom et al.

24. Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over Tagg (US 5,560,050) in view of Sansom et al. (US 5,251,342). Tagg has been discussed above and discloses all limitations of claim 1. Additionally, Tagg in view of Sansom et al. include the limitations of claim 15, from which 16 depends. Tagg does not disclose inside corners of the opening in the base for the waste tank that are defined by triangular shaped reinforcements. Figure 7 of Sansom et al., however, teaches triangular shaped reinforcements for added rigidity located in the corners of the opening for the waste tank.



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As such, it would have been obvious to one skilled in the art at the time of the invention to modify the opening in the base of Tagg to include triangular shaped reinforcements for added rigidity, located in the corners of the opening for the waste tank.

25. Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over Tagg (US 5,560,050) in view of Conwell (US 5,974,597). Tagg has been discussed above and discloses all limitations of claim 1 which claim 17 depends. Tagg does not disclose openings in the bottom of the skid base. Figure 5 and Column 4 Lines 4-6, of Conwell discloses the use of openings (23) at the bottom of the portable structure's base in which to affix weights. Therefore, it would have been obvious to one skilled in the art to modify the bottom skid base of Tagg to include the openings as taught by Conwell to allow weights to be affixed.

26. Re claim 18, the combination of references Tagg and Conwell lack the disclosure of covers. The examiner, however, notes that the covers as claimed do not require the weight to be inserted between the openings and the covers or otherwise used in connection with other. Favorable consideration would be given if applicant were to amend the claim to add a more substantial structural relationship between the cover, openings and weights. Examiner takes official notice that covers over openings are commonly known in the art and therefore it would have been obvious to one skilled in the art to add a cover to the openings to perform a multitude of functions such as preventing debris from entering the openings.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anthony N. Bartosik whose telephone number is 2723600. The examiner can normally be reached on M-F 7:30-5:00; Alter Fri Off E.D.T.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Victor Batson can be reached on 571-272-6987. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



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AB

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